

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 8:20-cv-325-T-35AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRIAN DAVISON,
BARRY M. RYBICKI,
EQUIALT LLC,
EQUIALT FUND, LLC,
EQUIALT FUND II, LLC,
EQUIALT FUND III, LLC,
and EA SIP, LLC,

Defendants,

and 128 E. DAVIS BLVD, LLC,
310 78TH AVE, LLC,
551 3D AVE S, LLC,
604 WEST AZEELE, LLC,
2101 W. CYPRESS, LLC,
2112 W. KENNEDY BLVD, LLC,
5123 E. BROADWAY AVE, LLC,
BLUE WATERS TI, LLC,
BNAZ, LLC,
BR SUPPORT SERVICES, LLC,
BUNGALOWS TI, LLC,
CAPRI HAVEN, LLC,
EA NY, LLC,
EQUIALT 519 3RD AVE S., LLC,
MCDONALD REVOCABLE LIVING TRUST,
SILVER SANDS TI, LLC,
and TB OLDEST HOUSE EST. 1842, LLC,

Relief Defendants.

UNOPPOSED MOTION FOR CONTINUANCE OF JUNE 16, 2020
SHOW CAUSE HEARING

FRIDMAN FELS & SOTO, PLLC

2525 PONCE DE LEON BOULEVARD, SUITE 750 | CORAL GABLES, FLORIDA 33134 | 305-569-7701

COMES NOW the Defendant Barry Rybicki by and through undersigned counsel, filing the Unopposed Motion for Continuance of June 16, 2020, Show Cause Hearing and in support whereof does state:

1. The Complaint in the above-styled matter was filed under seal on February 11, 2020. Complaint (DE 1).

2. Due to the worldwide COVID-19 outbreak, this Court stayed proceedings in this matter for several weeks. As a consequence of the stay, Rybicki's Answer to the Complaint is due on June 15, 2020.

3. On May 20, 2020, the Court sua sponte issued a paperless order stating that a show cause hearing would be held by Zoom on June 16, 2020. DE 92.

4. Rybicki intends to oppose the preliminary injunction sought by the Plaintiff in this case and intends to introduce evidence to demonstrate why an injunction in this case should not be granted.

5. Because of the current health crisis, Rybicki seeks additional time to interview witnesses and obtain evidence he intends to introduce at the upcoming preliminary injunction hearing.

6. In light of the temporary restraining order, which remains in effect, no parties will suffer any prejudice by continuing the hearing by 30 days to allow Rybicki to obtain the evidence necessary to present to the Court at the upcoming preliminary injunction hearing.

7. The undersigned has consulted with counsel for co-defendant Brian Davison, who joins in the request for the continuance.

8. This Motion is brought in good faith and is not intended to unduly delay proceedings in the above-styled action.

9. Plaintiff does not oppose the extension of time sought herein.

10. This Motion is accompanied by a proposed Order attached hereto as Exhibit "A."

WHEREFORE, Defendant Barry Rybicki respectfully requests that this Court grant the instant motion and enter an order continuing the Order to Show Cause hearing for 30 days, or as soon after the expiration of 30 days as the cause may be scheduled.

LOCAL RULE 3.01(g) CERTIFICATE

Pursuant to Local Rule 3.01(g), counsel or Defendant Barry Rybicki has conferred with counsel for Plaintiff, Alise Johnson, who does not oppose the requested relief, and counsel for Co-Defendant Brian Davison, Howard Fischer, Esq., who joins in the requested relief.

Respectfully submitted,

/s/ Adam S. Fels

ADAM S. FELS

Florida Bar No. 0114917

FRIDMAN FELS & SOTO, PLLC

2525 Ponce De Leon Blvd., Ste. 750

Coral Gables, FL 33134

Tel: (305) 569-7701

afels@ffslawfirm.com

Attorney for Defendant Barry Rybicki

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been filed via the Court's CM/ECF system, which will send an electronic copy of the foregoing and a notice of filing same to all counsel of record, on this 28th day of May, 2020.

/s/ Adam S. Fels

EXHIBIT “A”

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 8:20-cv-325-T-35AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRIAN DAVISON,
BARRY M. RYBICKI,
EQUIALT LLC,
EQUIALT FUND, LLC,
EQUIALT FUND II, LLC,
EQUIALT FUND III, LLC,
and EA SIP, LLC,

Defendants,

and 128 E. DAVIS BLVD, LLC,
310 78TH AVE, LLC,
551 3D AVE S, LLC,
604 WEST AZEELE, LLC,
2101 W. CYPRESS, LLC,
2112 W. KENNEDY BLVD, LLC,
5123 E. BROADWAY AVE, LLC,
BLUE WATERS TI, LLC,
BNAZ, LLC,
BR SUPPORT SERVICES, LLC,
BUNGALOWS TI, LLC,
CAPRI HAVEN, LLC,
EA NY, LLC,
EQUIALT 519 3RD AVE S., LLC,
MCDONALD REVOCABLE LIVING TRUST,
SILVER SANDS TI, LLC,
and TB OLDEST HOUSE EST. 1842, LLC,

Relief Defendants.

ORDER ON UNOPPOSED MOTION TO CONTINUE JUNE 16, 2020
SHOW CAUSE HEARING

THIS MATTER came before the Court upon consideration of Defendant Barry Rybicki's Unopposed Motion for Continuance of Show Cause Hearing (the "Motion"), and the Court being advised of the agreement of the parties, and being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED that the Motion is GRANTED. The Order to Show Cause Hearing shall be reset to July _____, 2020.

DONE AND ORDERED in Tampa, Florida this _____ day of _____, 2020.

HON. MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record
Any Unrepresented Parties